

Appl. No.10/650,023

Second Amendment after Final Rejection under 37 C.F.R. 1.116

and Summary of Telephonic Interview with Examiner

Docket No. KFHI-109

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REMARKS

Upon entry of this amendment claims 1-23, and 25-59 are pending herein. By this Amendment, claim 8 has been amended, by incorporation of claim 24, and claim 24 has accordingly been cancelled without prejudice or disclaimer. Claim 44 is presented as was previously amended in the March 19, 2007 Amendment After Final Rejection, which the Examiner indicated would be entered upon appeal. No new matter has been added, and the issues have been reduced by incorporating allowable claim into independent method claim 8, making all method claims dependent thereon (Claims 9-23, 25, and 57) also allowable.

Applicants gratefully acknowledge the allowance of claims 26-53, 58, and 59 and the allowability of claim 24. Upon entry of this amendment, the allowable claims will be claims 9-23, 26-53, and 57-59.

Applicants thank Examiner Helen Pratt for the courtesies extended to their undersigned representative, Barry I. Hollander, during the April 2, 2007 telephonic interview. Applicants' separate record of the telephone interview is set forth in the foregoing amendments and the following remarks.

I. REJECTION UNDER 35 U.S.C. 103(a)

Claims 1-23, 25, and 54-57 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Karwowski et al. (U.S. Patent No. 5,731,029) in view of Nakajima (JP 9149757) and Scaglione (U.S. Patent No. 5,094,870) and McGenity et al. (U.S. Patent No. 6,652,892) and Richar et al. (U.S. Patent No. 5,405,836). This rejection is respectfully traversed.

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Applicants stand by and herein incorporate the arguments presented in the March 19, 2007 Amendment After Final Rejection regarding rejected method claims 8-23, 25, and 57. However, as discussed with Examiner Pratt during the April 2, 2007 telephonic interview, to reduce the issues, allowable method claim 24 has been incorporated into independent method claim 8 to make all claims allowable except for product claims 1-7 and 54-56.

Regarding rejected product claims 1-7 and 54-56, Applicants stand by and herein incorporate the arguments presented in the March 19, 2007 Amendment After Final Rejection. As discussed with Examiner Pratt on April 2, 2007, Karwowski et al is directed to the production of jerky products having a high proportion of meat which are flexible and bendable using a rotary molder and does not employ wheat flour as an ingredient. The secondary references employ wheat flour, but it is used in the production of hard biscuits, not flexible meat products, and there is no reason to expect that the addition of wheat flour would make the meat product more flexible. As discussed with the Examiner during the interview, and as set forth in the March 19, 2007 Amendment After Final Rejection, applicants' specification demonstrates unexpectedly superior results for the use of wheat flour compared to a specifically disclosed composition of Karwowski et al, Example 4, and a composition which does not employ wheat flour.

None of the references taken alone or in combination teach or suggest the addition of wheat flour to a rotary molded strip-shaped, high meat content food product as claimed in claims 1-8, and 54-56 unexpectedly increases the strength and flexibility and reduces breakage of the rotary molded strip as demonstrated by the comparative data in the present specification and as discussed in the March 19, 2007 Amendment After Final Rejection.

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The Examiner advised the undersigned that she would reconsider the rejection in a favorable light.

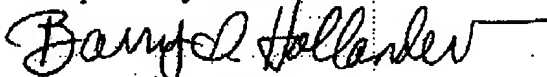
Reconsideration and withdrawal of the rejection and allowance of the present application is respectfully requested.

II. CONCLUSION

In light of the foregoing remarks, this application is in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application. A request for a one month extension of time together with a check for the extension fee are being submitted separately on even date herewith.

Any additional fees should be charged to, or any overpayment in fees should be credited to, Deposit Account No. 501032 (Docket #DELM-P100).

Respectfully submitted,



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